

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JONATHAN W. WALKER,

Defendant.

CR 13-41-BLG-SPW

ORDER

On April 4, 2017, Defendant Jonathan Walker appeared before the Court for his initial appearance on a petition alleging he violated conditions of his supervised release. The Court advised Defendant of his rights relative to the petition. Defendant requested that he be permitted to reserve his rights to both a preliminary hearing on the petition and a detention hearing to be conducted at a later date, and the Court granted his request.

Pursuant to Fed. R. Crim. P. 32.1(a)(6) and 18 U.S.C. § 3143(a), a judicial officer shall order that a defendant awaiting a final disposition on a petition alleging violations of supervised release be detained “unless the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose

a danger to the safety of any other person or the community” if the defendant were released from custody. 18 U.S.C. § 3143(a); *United States v. Loya*, 23 F.3d 1529, 1531 (9<sup>th</sup> Cir. 1994) (applying standards for release under § 3143 to the issue of detention or release relative to a petition alleging violations of supervised release). A defendant bears the burden of establishing the existence of these conditions entitling him to release. Fed. R. Crim. P. 32.1(a)(6).

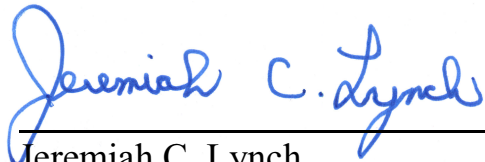
At this time, Defendant has not exercised his right to a hearing on the issue of his release or detention. Therefore, based on the present record the Court finds there is no clear and convincing evidence to support a finding that the Defendant is not likely to flee or pose a danger to the safety of any other person or the community if he were released from custody.

The Court will, however, leave open Defendant’s right to request a preliminary hearing and a detention hearing at a later date. If Defendant desires to have either hearing conducted he shall file a motion requesting the hearing.

Accordingly, pursuant to Fed. R. Crim. P. 32.1(a)(6) and 18 U.S.C. § 3143(a), **IT IS HEREBY ORDERED** the Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant shall

be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 4<sup>th</sup> day of April, 2017.

  
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Jeremiah C. Lynch  
United States Magistrate Judge